

EXHIBIT 2

1	IN THE UNITED STATES DISTRICT COURT	3	J.W. Raley, III For the Defendants/
2	FOR THE SOUTHERN DISTRICT OF TEXAS	2	Cooper & Scully, P.C. Counter Plaintiffs
3	HOUSTON DIVISION	3	Suite 3850 National Oilwell Varco,
4		4	700 Louisiana Street L.P. and Frank's
5		5	Houston, Texas Casing Crew and Rental
6		6	(713) 236-6801 Tools, Inc.
7	TESCO CORPORATION,) C.A. NO. H-08-2531	7	
8	Plaintiff,)	8	C. Creaven For the Defendant/
9)	9	National Oilwell Counter Plaintiff
10	vs.)	10	Varco, L.P. National Oilwell Varco
11)	11	7909 Parkwood Circle Dr. L.P.
12	WEATHERFORD INTERNATIONAL,)	12	Houston, Texas
13	INC., NATIONAL OILWELL VARCO,)	13	(713) 375-3700
14	L.P., OFFSHORE ENERGY SERVICES,)	14	
15	INC., AND FRANK'S CASING CREW)	15	C.J. Bushman For the Defendant/
16	AND RENTAL TOOLS, INC.,)	16	Browning Bushman, P.C. Counter Plaintiff
17	Defendants.)	17	Suite 1800 Offshore Energy
18		18	5718 Westheimer Services, Inc.
19		19	Houston, Texas
20	Video deposition of KEITH EVERT BEIERBACH taken	20	(713) 266-5593
21	at the offices of Gowling Lafleur Henderson LLP,	21	
22	Calgary, Alberta, on the 13th day of January,	22	K. Schumann, CSR(A) Court Reporter
23	2010.	23	Dicta Court Reporting Inc.
24		24	610, 706-7 Avenue S.W.
25		25	Calgary, Alberta (403) 531-0590
2	APPEARANCES:	4	(PROCEEDINGS COMMENCED AT 9:41 AM)
3	J.F. Luman, III, and For the Plaintiff/	2	THE VIDEOGRAPHER: Tape is rolling. Time on
4	M.Z. Fowler Counter Defendant	3	the monitor shows 9:41:22 Mountain Standard Time.
5	Bracewell & Giuliani, LLP Tesco Corporation	4	The date is the January 13th, 2010. This is the
6	Suite 2300 and Evert Beierbach	5	deposition of Mr. Keith Evert, and the last name
7	711 Louisiana Street	6	is Beierbach. My name is Chris Cozea. We are in
8	Houston, Texas	7	Calgary, Alberta, Canada. Madam Court Reporter's
9	(713) 221-2300	8	name is Karoline Schumann.
10		9	And would the counsel present here present
11	P.E. Krieger For the Defendant/	10	themselves, please.
12	Morgan, Lewis & Counter Plaintiff	11	MR. BOWICK: Okay, Robert Bowick and
13	Bockius, LLP Weatherford	12	John Raley for defendant National Oilwell Varco.
14	Suite 4200 International, Inc.	13	MR. CREAVEN: Cormac Creaven, in-house
15	1000 Louisiana Street	14	counsel, National Oilwell Varco.
16	Houston, Texas	15	MR. BUSHMAN: Jim Bushman representing
17	(713) 890-5000	16	Offshore Energy Services.
18		17	MR. KRIEGER: Paul Krieger representing
19	R.M. Bowick For the Defendants/	18	Weatherford International, Inc.
20	Matthews, Lawson & Counter Plaintiffs	19	MR. FOWLER: Mateo Fowler, Bracewell &
21	Bowick, PLLC National Oilwell Varco,	20	Giuliani, representing Tesco Corporation.
22	Suite 700 L.P. and Frank's	21	MR. LUMAN: John Luman of Bracewell &
23	2000 Bering Drive Casing Crew and Rental	22	Giuliani, representing Tesco Corporation.
24	Houston, Texas Tools, Inc.	23	THE VIDEOGRAPHER: Thank you very much,
25	(713) 355-4200	24	indeed. Karoline ...
		25	KEITH EVERT BEIERBACH, Affirmed:

<p style="text-align: center;">137</p> <p>1 A Which claim now?</p> <p>2 Q Claim number 4.</p> <p>3 MR. LUMAN: Is there a question, or</p> <p>4 are we just reading?</p> <p>5 Q MR. BOWICK: Does the Claim 4 refer to</p> <p>6 a channel key?</p> <p>7 MR. LUMAN: Objection to form.</p> <p>8 <u>OBJECTION TO QUESTION</u></p> <p>9 A It refers to a channel key.</p> <p>10 Q MR. BOWICK: Look at Claim 11, next</p> <p>11 page. It's referring to an anti-rotation device?</p> <p>12 MR. LUMAN: Objection to form.</p> <p>13 <u>OBJECTION TO QUESTION</u></p> <p>14 Q MR. BOWICK: Does it not?</p> <p>15 MR. LUMAN: Objection to form.</p> <p>16 <u>OBJECTION TO QUESTION</u></p> <p>17 Q MR. BOWICK: Claim 12?</p> <p>18 A I haven't answered the question for Claim 11 yet.</p> <p>19 Q Okay.</p> <p>20 A So, yes.</p> <p>21 Q And Number 12 talks about an anti-rotation</p> <p>22 bracket extending from the top drive.</p> <p>23 MR. LUMAN: Objection to form.</p> <p>24 <u>OBJECTION TO QUESTION</u></p> <p>25 A Yes.</p>	<p style="text-align: center;">139</p> <p>1 MR. LUMAN: Objection to form.</p> <p>2 <u>OBJECTION TO QUESTION</u></p> <p>3 A Not that I'm aware of.</p> <p>4 Q MR. BOWICK: But Tesco was using this</p> <p>5 in January 2002, "this" being the channel key,</p> <p>6 with a pipe engaging apparatus?</p> <p>7 MR. LUMAN: Objection to form.</p> <p>8 <u>OBJECTION TO QUESTION</u></p> <p>9 A A version or a similar thing.</p> <p>10 Q MR. BOWICK: And you didn't feel the</p> <p>11 need to tell the patent office about it?</p> <p>12 MR. LUMAN: Objection to form.</p> <p>13 <u>OBJECTION TO QUESTION</u></p> <p>14 A I don't know. I guess not.</p> <p>15 Q MR. BOWICK: Why not?</p> <p>16 A Because I didn't think it was -- didn't think it</p> <p>17 was material or relevant.</p> <p>18 Q It's certainly part of your invention, is it not?</p> <p>19 MR. LUMAN: Objection to form.</p> <p>20 <u>OBJECTION TO QUESTION</u></p> <p>21 A What is?</p> <p>22 Q MR. BOWICK: The channel key.</p> <p>23 A The channel key -- or a channel key is a part of</p> <p>24 our invention.</p> <p>25 Q And you had publicly used a channel key more than</p>
<p style="text-align: center;">138</p> <p>1 Q MR. BOWICK: And you took these</p> <p>2 pictures that are shown in this brochure at</p> <p>3 Exhibit 65, correct?</p> <p>4 A I believe so.</p> <p>5 Q And those pictures had to have been taken I think</p> <p>6 you said it was at that January 2002 Chevron job,</p> <p>7 correct?</p> <p>8 A Correct.</p> <p>9 Q And on that job, this pipe engaging apparatus</p> <p>10 included an anti-rotation device?</p> <p>11 MR. LUMAN: Objection to form.</p> <p>12 <u>OBJECTION TO QUESTION</u></p> <p>13 Q MR. BOWICK: Is that true?</p> <p>14 A It did include an anti-rotation device, yes.</p> <p>15 Q And a device that I think you referred to in your</p> <p>16 patent as a channel key?</p> <p>17 A A similar device.</p> <p>18 Q And it fits into a slot that extends from the top</p> <p>19 drive, correct?</p> <p>20 MR. LUMAN: Objection to form.</p> <p>21 <u>OBJECTION TO QUESTION</u></p> <p>22 A That's correct.</p> <p>23 Q MR. BOWICK: And you didn't tell the</p> <p>24 patent office about these pictures or this</p> <p>25 brochure, did you?</p>	<p style="text-align: center;">140</p> <p>1 a year before you filed for the 443 patent, did</p> <p>2 you not?</p> <p>3 MR. LUMAN: Objection to form.</p> <p>4 <u>OBJECTION TO QUESTION</u></p> <p>5 A Wasn't more than a year.</p> <p>6 Q MR. BOWICK: These pictures you said</p> <p>7 were taken in January 2002 on that Chevron job.</p> <p>8 A Right.</p> <p>9 Q Your patent was filed November 10, 2003. Doing</p> <p>10 the math, it's about a year and 11 months, almost</p> <p>11 two years.</p> <p>12 A Okay, so what's the question?</p> <p>13 Q So you had publicly used a channel key more than</p> <p>14 a year before you filed your patent, correct?</p> <p>15 MR. LUMAN: Objection to form.</p> <p>16 <u>OBJECTION TO QUESTION</u></p> <p>17 A A different form, but a form of channel key.</p> <p>18 Q MR. BOWICK: How was it different?</p> <p>19 A The piece that goes into the channel is attached</p> <p>20 to the actuator directly rather than being a part</p> <p>21 of the link hanger.</p> <p>22 Q And the link hanger is sometimes called a</p> <p>23 bracket?</p> <p>24 A Maybe.</p> <p>25 Q Look at your 443 patent, I think you use the term</p>